

REMARKS

The Applicants thank the Examiner for the thorough consideration given the present application. Claim 3 was previously cancelled without prejudice to or disclaimer of the subject matter contained therein. Claims 1, 2, and 4-10 are pending. Claims 1, 6, and 10 are independent, each of which is amended. The Examiner is respectfully requested to reconsider the rejections in view of the remarks set forth herein.

Rejection Under 35 U.S.C. § 112, first paragraph

Claims 1-3 and 10 stand rejected under 35 U.S.C. § 112, first paragraph. This rejection is respectfully traversed.

The Examiner states that the original specification does not disclose “without overlap of opposite side edges thereof”, as recited in claims 1-3 and 10.

The limitation added to each independent claim, that is, ‘the inner wrapper of the cigarette being without overlap of opposite side edges thereof’ is sufficiently supported by the clause “while opposite side edges of the inner wrapper 6 are not overlapped” in page 5, line 23-24, of the specification of originally filed.

The Applicants respectfully submit that the claims, as previously presented, are fully supported by and adequately described in the written description of the invention. Accordingly, reconsideration and withdrawal of this rejection are respectfully requested.

Rejections Under 35 U.S.C. §103(a)

Claims 1, 4, and 5 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Noe et al. (U.S. 5,494,055) in view of Miyauchi et al. (U.S. 2002/0074007); claim 2 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Noe et al. and Miyauchi, and further in view of Baker et al. (U.S. 4,624,268); claims 6-8 and 10 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Noe et al. and Miyauchi et al., and further in view of W.B. Lowman (U.S. 2,999,520); and claim 9 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Noe et al., Miyauchi, and W. B. Lowman, and further in view of Marchese et al. (U.S. 2,320,702) and Eckstein et al. (U.S. 2001/0009938-A1).

These rejections are respectfully traversed.

Arguments Regarding Noe et al. and Miyauchi et al.

In contrast to the present invention, Noe et al. disclose a two-layered cigarette rod covering and the aroma mixture is applied onto the outer or inner layer of the rod covering.

However, the Noe et al. document neither discloses nor suggests that the aroma mixture is sandwiched between the outer and inner layers and forms a separate layer that covers the entire outer circumferential surface of the inner layer. Thus, Noe et al. fail to teach the triple layer structure of the present invention.

Also, Noe et al. neither disclose nor suggest that the inner layer of the rod covering wraps the tobacco rod without overlapping its opposite side edges.

Miyauchi et al. disclose a method of fixing to the tobacco wrapper paper a flavorant that improves the smell of the side stream smoke of tobacco, and more specifically, teaches that the opposite side edges of the tobacco wrapper paper are bonded to each other with seam adhesive containing the flavorant (see [0016]).

The Applicants submit that when Miyauchi et al.'s technology is applied to the rod covering of Noe et al., a rod covering is provided in which the opposite side edges of the outer layer and/or the inner layer are bonded to each other with seam adhesive containing the flavorant.

However, the rod covering thus provided does not have the separate perfume emitting layer of the present invention. Therefore, it does not correspond to the Applicants' rod covering that has a triple structure including the inner and outer wrappers and the perfume emitting layer between the inner and outer layers.

In this respect, the perfume emitting layer described in the present application is capable of containing a large quantity of perfume material, as compared to the seam adhesive of Noe et al. or Miyauchi et al. Consequently, the perfume emitting layer exerts significant performance when weakening the odor of the sidestream smoke of cigarettes.

As mentioned above, with the present invention, the opposite side edges of the inner wrapper are not overlapped to each other. Therefore, the outer wrapper does not interfere with the side edges of the inner wrapper and smoothly wraps the rod-shaped filler with the inner wrapper interposed between the outer wrapper and filler. Therefore, the seam of the

cigarette, which is formed of the side edges of the outer wrapper, does not protrude far from the outer circumferential surface of the cigarette.

On the other hand, when the rod covering of Noe et al., namely the outer and inner layers, wraps the tobacco rod at the same time, the seam formed of side edges of the outer and inner layers has a structure in which the side edges of the inner layer and those of the outer layer are alternately superimposed in layers. Accordingly, the outer side edge of the outer layer located in the outermost position is superimposed upon the inner side edge of the outer layer with the outer side edge of the inner layer interposed between them. This means that the opposite side edges of the outer layer are not brought into direct contact to each other.

Consequently, in order to bond the opposite side edges of the outer layer through the outer side edge of the inner layer, it is necessary to apply adhesive onto both the inner and the outer surfaces of the outer side edge of the inner layer. Such adhesive application complicates the cigarette manufacturing process.

However, according to the Applicants' invention as set forth in each of independent claim 1, 6, and 10, the opposite side edges of the inner wrapper are not overlapped to each other, so there is no such problem as mentioned above.

The Lowman reference was cited merely to disclose cutters used in a cigarette machine. Therefore, Lowman cannot make up for the deficiencies of Noe et al. and Miyauchi et al.

At least for the reasons explained above, the Applicants respectfully submit that the combination of elements as set forth in each of independent claims 1, 6, and 10 is not disclosed or made obvious by the prior art of record, including Noe et al., Miyauchi et al. and Lowman.

Therefore, independent claims 1, 6, and 10 are in condition for allowance.

Dependent Claims

All dependent claims are in condition for allowance due to their dependency from allowable independent claims, or due to the additional novel features set forth therein.

Accordingly, reconsideration and withdrawal of the rejections under 35 U.S.C. §103(a) are respectfully requested.

CONCLUSION

All of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. It is believed that a full and complete response has been made to the outstanding Office Action, and that the present application is in condition for allowance.

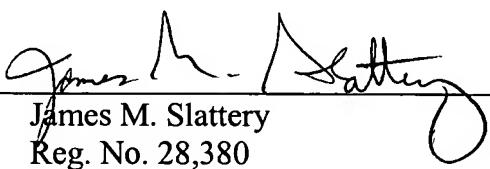
If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, he is invited to telephone Carl T. Thomsen (Reg. No. 50,786) at (703) 208-4030 (direct line).

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§1.16 or 1.17, particularly extension of time fees.

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Respectfully submitted,
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